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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह असंग्रह संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

उद्योग और कम्पनी कार्य संचालन
(भारी उद्योग विभाग)

अधिसूचना

नई दिल्ली, 6 सितम्बर, 1985

का.प्र. 663 (प्र).—कतिपय नियमों का निम्नलिखित प्रारूप, जिसे केन्द्रीय सरकार, उद्योग (विकास और विनियमन) अधिनियम 1951 (1951 का 65) की धारा 30 द्वारा प्रदत्त शक्तियों का प्रयोग करने द्वारा, बनाना चाहती है, उस धारा की उपधारा (1) के अधीन जारी ऐसे सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है जिनके उससे प्रभावित होने की संभावना है। इसके द्वारा यह सूचना दी जाती है कि उक्त प्रारूप पर उक्त अधिसूचना वाला राजपत्र जनता को उपलब्ध कराए जाने की तारीख से साठ दिन की समाप्ति के पश्चात् विचार किया जाएगा।

ऐसे आक्षेपों या सुझावों पर जो इस प्रकार विनिर्दिष्ट अवधि के भीतर उक्त प्रारूप की वास्तविकी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार विचार करेगी। ऐसे आक्षेप या सुझाव, सचिव, उद्योग और कम्पनी कार्य संचालन (भारी उद्योग विभाग) उद्योग, अजन्त, नई दिल्ली-110011 के पते पर भेजे जाने चाहिए।

प्रारूप नियम

1. संक्षिप्त नियम :—इन नियमों का संक्षिप्त नाम ट्रेक्टर उपकरण नियम, 1985 है।

2. परिभाषाएँ :—इन नियमों में, जब तक कि संदर्भ में अन्यथा अपेक्षित नहीं :—

- (क) "अधिनियम" से उद्योग (विकास और विनियमन), अधिनियम, 1951 (1951 का 65) अभिप्रेत है;
- (ख) "ट्रेक्टर" से अधिनियम की पहली अनुसूची के शीर्षक (10) के उप-शीर्षक (1) "कृषि मशीनरी" के अंतर्गत आने वाला ट्रेक्टर अभिप्रेत है।
- (ग) "उपकरण" से अधिनियम की धारा 9 की उप-धारा (1) के अधीन जारी की गई भारी उद्योग विभाग की अधिसूचना संख्या का.प्र. 662(अ) दिनांक 6 सितम्बर, 1985 के नियमों के अनुसार उद्गृहीत और संग्रहीत उपकरण अभिप्रेत है;
- (घ) "कलक्टर" से केन्द्रीय उत्पाद-शुल्क कलक्टर अभिप्रेत है और इसमें केन्द्रीय उत्पाद शुल्क और कलक्टर, केन्द्रीय उत्पाद शुल्क उप-कलक्टर, केन्द्रीय उत्पाद शुल्क सहायक कलक्टर और केन्द्रीय उत्पाद शुल्क यथीक्षक सम्मिलित है;
- (ङ) "विकास परिपद" से अधिनियम की धारा 4 के अधीन स्थापित मॉडरनाइज और सहायक उद्योग विकास परिपद अभिप्रेत है।
- (च) उन शर्तों और पदों के ब्रितका इसमें प्रयोग किया गया है और जिनकी परिभाषा नहीं दी गई है, किन्तु जिनकी परिभाषा केन्द्रीय उत्पाद-शुल्क और नमक अधिनियम 1944

५० । ४ वेल्स संयुक्त सचिव

MINISTRY OF INDUSTRY AND COMPANY AFFAIRS

(Department of Heavy Industry)

NOTIFICATION

New Delhi, the 6th September, 1985

S.O. 663(E).—The following draft of certain rules which the Central Government proposes to make in exercise of the powers conferred by section 30 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), is hereby published, as required by sub-section (1) of that section, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration after expiry of sixty days from the date on which the Gazette containing the said notification is made available to the public.

Any objections or suggestions, which may be received from any person with respect to the said draft within the period so specified will be considered by the Central Government. Such objections or suggestions should be addressed to the Secretary, Ministry of Industry & Company Affairs (Department of Heavy Industry) Udyog Bhawan, New Delhi : 110011.

DRAFT RULES

1. Short title.—These rules may be called the Tractor Cess Rules, 1985.

2. Definitions.—In these rules, unless the context otherwise requires :—

- (a) 'Act' means the Industries (Development and Regulation) Act, 1951 (65 of 1951).
- (b) 'Tractor' means tractor as covered under the sub-heading (1) of Heading (10) 'Agricultural Machinery' of the First Schedule to the Act;
- (c) 'Cess' means the cess levied and collected in terms of notification No. S.O. 662(E) dated 6th September, 1985 of Department of Heavy Industry issued under sub-section (1) of Section 9 of the Act;
- (d) 'Collector' means the collector of Central Excise and include the Additional Collector of Central Excise, the Deputy Collector of Central Excise, Assistant Collector of Central Excise and Superintendent of Central Excise ;
- (e) 'Development Council' means the Development Council for Automobiles and Allied Industries established under Section 6 of the Act;
- (f) words and expressions used herein and not defined in the Central Excises and Salt Act, 1944 (1 of 1944) or the rules made thereunder, shall have the meaning respectively, assigned to them in that act or the rules.

3. Application of Central Excises and Salt Act and the rules made thereunder.—Save as otherwise provided in these rules, the provisions of the Central Excises

and Salt Act, 1944 (1 of 1944) and the rules made thereunder including those relating to refund of duty, shall, so far as may, apply in relation to the levy and collection of the cess as they apply in relation to the levy and collection of the duty of excise on manufacture of tractors under the Act and the rules.

4. Submission of returns.—(1) Every manufacturer shall submit to the Collector and to the Development Council on or before the 10th of every month a return in the Form specified in the annexure to these rules of all stocks of items of tractors manufactured or produced in, and removed from his undertaking during the previous month

(2) If any manufacturer fails to furnish the return within the date specified in sub-rule (1) or furnishes a return which the collector or the Development Council has reason to believe is incorrect or defective, the Collector may serve notice on the manufacturer calling upon him to produce all or any of his accounts relating to the tractors manufactured or produced by him.

5. Proceeds of the cess.—The proceeds of the cess shall first be credited to the Consolidated Fund of India under the head "038—Union Excise duties—Cess on commodities tractors", and the Central Government may after due appropriation made by Parliament by law in this behalf, hand over to the Development Council such sums as it may consider necessary from out of such proceeds after deducting therefrom the cost of collection.

6. Opening of Accounts.—The amount received by the Development Council under Rule 5 shall be kept in an account with the State Bank of India.

7. Accounts of the Development Council (1) the Development Council shall maintain proper accounts relating to the amount received by it under Rule 5.

(2) The audited statement of accounts for every financial year, together with the Auditor's Report thereon, shall be submitted to the Central Government.

8. Budget Estimates of the Development Council (1) The Development Council shall in each year prepare a budget for the ensuing financial year and submit the same for sanction to the Central Government on or before such date as may be specified by the Central Government.

(2) No expenditure shall be incurred until the budget is sanctioned by the Central Government.

(3) The budget shall be prepared in accordance with such instructions as may be issued from time to time by the Central Government.

9. Prescribed administrative expenses.—The Development Council may utilise a sum, not exceeding 2 per cent of the amount received by it under rule 5, to meet its expenses on account of office establishment and equipment, stationery postage, telegrams, telephones telex, wages and allowances of staff employed in the Secretariat, travel and daily allowance of members and expenditure connected with holding of council meetings.

ANNEXURE

(Sec Rule 4)

Form of Monthly Return to be submitted under the Tractor Cess Rules, 1985.

Month ending

Name of Factory

Address

Opening balance of goods subject to cess		Goods subject to cess manufactured		Goods subject to cess removed	
Description	Quantity	Description	Quantity	Description	Quantity
1	2	3	4	5	6
Closing Balance					
Description	Quantity	Remarks			
7	8	9			

I/We declare that I/we have compared the above shown particulars with the records and books of my/our factory and that they are in so far as I/We can as certain accurate and complete.

Date :

Signature of Manufacturer

[File No. 7(1)/85-AEI-1]
K. S. BAINS, Jt. Secy.